

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

EDWARD EMMETT BARTLETT

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-3049

Decision No. CU  
**3728**

Counsel for claimant:

Sam T. Allen III, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by EDWARD EMMETT BARTLETT for \$93,550.00, based upon the asserted ownership and loss of improved realty and personal property in Havana Biltmore, Marianao, Cuba. The claim was amended to include stock interests in two Cuban corporations, Industrias Bartlett-Collins de Cuba, S.A. and Cia. Inversionista Cabin, S.A.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term "property" means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Claimant contends that he owned a two-story furnished house in Havana Biltmore, Marianao, Havana, Cuba; and that on June 14, 1961 a group of soldiers took possession of the house and evicted the maid.

The record contains a copy of a sales contract reflecting purchase of the improved real property by claimant on July 8, 1960 for \$80,000.00; a report from sources abroad; a list of the personalty which claimant values at \$10,000.00 saying it was purchased for a lump sum. No evidence has been submitted in support of this figure.

On the basis of the entire record the Commission finds that claimant was the owner of a two-story furnished house in Marianao and that this property was taken by the Government of Cuba on June 14, 1961.

On the basis of the entire record including the sales contract and claimant's description, the Commission finds that the real property had a value of \$80,000.00 on the date of loss.

With respect to the personal property, the Commission holds that the asserted value of \$10,000.00 has not been established, and finds after consideration of the items involved, that \$4,700.00 was the fair and reasonable value thereof on the date of loss.

The Commission further finds on the basis of evidence available to the Commission in the claim of Bartlett-Collins Company (Claim CU-2192), that claimant was the owner of 5 shares of Industrias Bartlett-Collins de Cuba, S.A. which was taken by the Government of Cuba on March 27, 1962 and the owner of 38 shares of Cia. Inversionista Cabin, S.A. which was taken by the Government of Cuba on January 8, 1962. We need not again detail here the reasons or method used in our decision in the Bartlett-Collins Company claim in determining the net worth

of Industrias Bartlett-Collins de Cuba, S.A. as \$48,661.94 and the net worth of Cia Inversionista Cabin, S.A. as \$145,186.22 on the respective dates of loss. On the basis of the record before the Commission, the Commission finds that the claimant's five shares of Industrias Bartlett-Collins de Cuba, S.A. had a value of \$1,726.71 and his 38 shares of Cia Inversionista Cabin, S.A. had a value of \$22,068.40 on the respective dates of loss.

The Commission has decided that in payment of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be allowed at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered, as follows:

<u>FROM</u>	<u>ON</u>
June 14, 1961	\$ 84,700.00
January 8, 1962	22,068.40
March 27, 1962	<u>1,726.71</u>
Total . . . . .	\$108,495.11

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimant. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimant as the extent thereof.

CERTIFICATION OF LOSS

The Commission certifies that EDWARD EMMETT BARTLETT suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended in the amount of One Hundred Eight Thousand Four Hundred Ninety-Five Dollars and Eleven Cents (\$108,495.11) with interest at 6% per annum from the aforesaid dates of loss to the date of settlement.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

JUL 2 1969

*Leonard v. B. Sutton*  
Leonard v. B. Sutton, Chairman

*Theodore Jaffe*  
Theodore Jaffe, Commissioner

*Sidney Freidberg*  
Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)